

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

ROBERT LaDELL JOHNSON, )  
                                )  
                                Plaintiff,         )  
vs.                              )  
                                )  
HANSEN, P.A., et al.,         )  
                                )  
                                Defendants.         )

NO. CIV-11-1468-D

**O R D E R**

Plaintiff, who appears *pro se*, brought this action pursuant to 42 U. S. C. § 1983. He alleges that his constitutional rights were violated during his confinement at the Oklahoma County Jail. Pursuant to 28 U.S.C. §636(b)(1)(B) and (C), the matter was referred to United States Magistrate Judge Bana Roberts for initial proceedings.

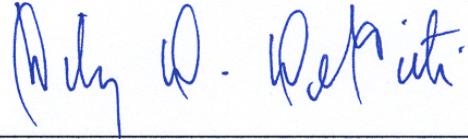
Defendants the Oklahoma County Jail and Hansen separately filed motions to dismiss [Doc. Nos. 19 and 21]. Plaintiff did not respond to either motion. On August 8, 2012, the Magistrate Judge filed a Report and Recommendation [Doc. No. 23] in which she recommended the Court grant Defendant Hansen's motion to dismiss. In a separate Report and Recommendation [Doc. No. 24] filed on August 8, 2012, the Magistrate Judge recommended granting the Oklahoma County Jail's motion to dismiss.

In each Report and Recommendation, Judge Roberts advised Plaintiff of his right to file objections to the same, and she set an August 28, 2012 deadline for filing such objections. In each Report and Recommendation, she also expressly cautioned Plaintiff that a failure to timely file objections would result in a waiver of the right to appellate review of the matters determined in the Report and Recommendation.

The deadline for filing objections has expired, and Plaintiff has not filed an objection to

either Report and Recommendation, nor has he sought an extension of time in which to do so. Although it appears that each Report and Recommendation mailed to Plaintiff was returned as not delivered, the Court is responsible only for mailing Court papers to the last address provided by Plaintiff; he is responsible for advising the Court of any address change, and he has not done so in this case. *See* LCvR 5.4(a). Plaintiff's failure to notify the Court of his current address results in the papers being deemed delivered upon mailing to the last address he provided to the Court. *Id.* Therefore, the Report and Recommendation addressing Defendant Hansen's motion to dismiss [Doc. No. 23] and the separate Report and Recommendation addressing the Oklahoma County Jail's motion to dismiss [Doc. No. 24] are adopted as though fully set forth herein. The motions to dismiss [Doc. Nos. 19 and 21] are GRANTED, and this action is dismissed without prejudice for the reasons explained by the Magistrate Judge.

IT IS SO ORDERED this 13<sup>th</sup> day of September, 2012.



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TIMOTHY D. DEGIUSTI  
UNITED STATES DISTRICT JUDGE